

641—14.5(714) Approval of third-party testing agencies. The department must approve third-party testing agencies.

14.5(1) *Testing laboratory.* A third-party testing agency will be approved for independent laboratory testing based upon:

a. The submission of a U.S. Environmental Protection Agency laboratory certification under the Safe Drinking Water Act for the claimed contaminant(s) and a review by the department of the testing agency documentation of the instrumentation, equipment and experience of personnel to conduct the required physical testing of the water treatment system according to the approved performance testing protocol, or

b. A written verification to the department that the testing agency has the capability to perform the U.S. Environmental Protection Agency approved methods of analysis for the claimed contaminants and demonstration that the agency has:

(1) The essential instrumentation, equipment and experience of personnel to conduct the required testing of the water treatment system according to the approved testing protocol, and

(2) A satisfactory quality assurance program and demonstrated performance in an approved proficiency testing program for the claimed contaminants.

14.5(2) *Testing auditor.* A third-party testing agency may be approved for the auditing of manufacturers' data and facilities based upon:

a. Written description of the agency's qualifications and experience in performing laboratory audits and laboratory analysis.

b. Written verification that U.S. Environmental Protection Agency (EPA) or equivalent procedures for auditing quality control of laboratories are followed in performing an audit of a manufacturer's testing of a water treatment system.

c. The submission of a U.S. Environmental Protection Agency laboratory certification under the Safe Drinking Water Act, or

d. A written verification to the department that the testing agency has the capability to perform the U.S. Environmental Protection Agency approved methods of analysis for the claimed contaminants and demonstration that the agency has:

(1) The essential instrumentation, equipment and experience of personnel to conduct the required testing of the water treatment system according to the approved testing protocol, and

(2) A satisfactory quality assurance program and demonstrated performance in an approved proficiency testing program for the claimed contaminants.

14.5(3) *Certification by third-party testing agency.* Upon completion of the laboratory performance testing or auditing, the third-party testing agency shall submit to the department in writing the following:

a. Testing laboratory.

(1) A copy of all test results applicable to the water treatment system tested. A copy of all test results must be maintained by the third-party testing agency for a period of at least two years.

(2) A statement that the testing was conducted in accordance with each provision of the approved testing protocol.

b. Testing auditor. Upon completion of an audit of a manufacturer's testing facility, the third-party auditing agency shall submit to the department a record of the audit and a statement that the manufacturer's testing facility did or did not have the capability to perform.

14.5(4) *Manufacturer's testing approval.* A manufacturer's test data from tests performed may be approved in lieu of third-party laboratory testing provided that the manufacturer's testing facility and test data are found to be adequate when audited by a qualified third-party testing agency.

14.5(5) *Certification by manufacturers of testing performed prior to audit evaluations.*

a. Prior to third-party audit evaluations, the manufacturer must submit to the department in writing a copy of all test results applicable to the water treatment system tested and a statement that manufacturer's testing was conducted in accordance with each provision of an approved performance testing protocol as outlined in 641—14.4(714).

b. A written verification to the department that the manufacturer's laboratory has the capability to perform the U.S. Environmental Protection Agency approved methods of analysis for the claimed contaminants and demonstration that the manufacturer has:

- (1) The essential instrumentation, equipment and experience of personnel to conduct the required testing of the water treatment system according to the approved testing protocol, and
- (2) A satisfactory quality assurance program and demonstrated performance in an approved proficiency testing program for the claimed contaminants.